

Message Text

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ORIGIN OFA-01

INFO OCT-01 EUR-12 ISO-00 L-03 EB-07 SCA-01 H-02 INR-07

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DRAFTED BY OES/OFA /FA LNSCHOWENGERDT:EEB

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EUR/EE-MR. A.BRAINARD (SUBS)

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P 052201Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY WARSAW PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, PL

SUBJECT: POLISH F/V WICKO, VIOLATION 16 USC 1081

REF: WARSAW 3451

1. F/V WICKO CASE STILL PENDS. SETTLEMENT OF CIVIL CHARGES
AGAINST VESSEL EXPECTED OUT OF COURT BY JUNE 6 AT LATEST.
F/V JAMNO WAS RELEASED ON MAY 30. NO CHARGES FILED.

2. CRIMINAL CHARGES AGAINST MASTER OF F/V WICKO WERE FILED
TODAY JUNE 5 UNDER 16 USC 1081 ET. SEQ., BASED ON ADDITIONAL
INFO RCVD FROM ASST COOK SMDLNY OF F/V WICKO. SMOLNY
REPORTED TO LOCAL POLICE NIGHT OF JUNE 3 AND REQUESTED
ASYLUM IN U.S. SMOLNY CONTENDS MASTER ORDERED HIM TO
ACCEPT RESPONSIBILITY FOR LOBSTER VIOLATIONS AND TO TESTIFY
TO EXONERATE MASTER. SMOLNY SAYS MASTER IS QUILTY PARTY AND
THAT F/V WICKO HAS CAUGHT SUBSTANTIAL QUANTITIES OF AMERI-
CAN LOBSTER. MOST LOBSTER EATEN BY CREW AND MASTER BUT
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SOME TRANSFERRED TO MOTHERSHIP M/V BURAN. SMOLNY SAID MASTER

THREATENED TO HAVE HIM IMPRISONED IN POLAND IF SMOLNY DID NOT AGREE TO EXONERATE MASTER. PROVISIONAL POLITICAL ASYLUM WAS GRANTED TO SMOLNY.

3. EXPECT CRIMINAL CHARGES WILL BE SETTLED BY JUNE 6 ALSO IF MASTER WILL PLEAD GUILTY OR NOLO CONTENDERE.

4. VESSEL CAN BE RELEASED UPON CIVIL SETTLEMENT.

5. DEPT ACTING DEPUTY ASST SECRETARY FOR OCEANS AND FISHERIES AFFAIRS WILLIAM L. SULLIVAN CALLED IN EMBOFF KRYSTOSIK YESTERDAY AND MADE FOLLOWING POINTS: CREDIBILITY OF POLISH CLAIMS TO STRICT OBSERVANCE OF FISHING RULES AND AGREEMENT PROVISIONS SOMEWHAT IN DOUBT IN VIEW RECENT VIOLATIONS AND SOME ADDITIONAL VIOLATIONS WHICH WE HAD NOT MADE AN ISSUE OF EARLIER. PIETRASZEK HAD STATED ON MAY 29, SHORTLY AFTER SEIZURE OF F/V WICKO, THAT THE MASTER WAS FIRED AS OF THAT MOMENT, AND YET ON JUNE 3 MASTER WAS STILL IN COMMAND AND STILL CAUSING TROUBLE. THIS SITUATION MAKES IT VERY DIFFICULT FOR DEPT TO COUNTER CONGRESSIONAL AND INDUSTRY CRITICISM OF NEW POLISH AGREEMENT AND OF POLISH ACTIONS WHICH SEEM TO DISREGARD EVEN PROVISIONS OF OLD AGREEMENT. SIMILARLY IT WILL NOW BE MORE DIFFICULT FOR DEPT TO PREVENT CONGRESS FROM PASSING 200 MILE FISHING ZONE LEGISLATION IN A FORM WHICH MAY BE LESS ACCEPTABLE TO BOTH DEPT AND GOP. SULLIVAN SUGGESTED THAT THE SOONER THE MASTER OF F/V WICKO WAS REMOVED FROM SHIP AND CASES SETTLED THE LESS PROBLEMS WE WOULD HAVE. EMBOFF CONCURRED AND EXPRESSED HIS VIEW THAT CASE WOULD BE SETTLED PROMPTLY.

6. EMBASSY MAY USE THIS INFO AS REQUIRED IN RESPONDING TO INQUIRIES FROM GOP. KISSINGER

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